THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15306 of 2006

Dated:25.07.2006

Between:

Singala Krishnaiah S/o Nageswara Rao

..... PETITIONER

And

The State Election Commissioner, Hyderabad,
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15306 of 2006

ORDER:

It is stated that the Returning Officer is not expected to receive the nomination of a candidate without declaration. The learned counsel for the petitioner also would submit that on the ground that the declaration form was not signed, the nomination of the petitioner was rejected. The learned counsel also would maintain that this is nothing but arbitrary exercise of power, and definitely hit by Article 14 of the Constitution of India.

Be that as it may, the writ petition itself is filed for a Writ of Mandamus declaring the action of the respondents in rejecting the nomination of the petitioner filed for Election of Ward Member in respect of 3rd Ward, Kanumuru Gram Panchayat, Gampalagudem Mandal, Krishna District, on the ground that the nomination has been filed without signing and filling up the contents of the declaration form in the presence of the Election Returning Officer, as arbitrary and illegal and consequently direct the respondents to accept the nomination form of the

petitioner and pass such other suitable orders.

Inasmuch as the process of election already had commenced, at this belated stage, the same cannot be interfered with. In view of the same and also in view of the fact that the petitioner has an effective remedy by way of Election Petition, liberty is given to the petitioner to approach the appropriate Election Tribunal, if he is so advised.

With the above direction, the writ petition is disposed of. No order as to costs.

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sh 25.07.2006